

### **REMARKS**

Claims 7-15 and 18 remain pending in the present application. Claims 1-6, 16 and 17 have been cancelled. Claims 7 and 12 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by de Molina, et al. Claim 1 has been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 3 and 7-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Molina, et al. in view of Lee. Claim 7 has been amended to define that the sleeve simultaneously covers all of the plurality of holes to fully close the third flow path.

De Molina does not disclose a plurality of spirally located holes. The Examiner is relying on Lee to show the spirally located holes. Lee discloses a plurality of holes 34 which can be spirally located but the piston in Lee moves between the top (Figure 1) and the bottom (Figure 2) to change the number of holes 30 being used to move fluid from chamber 100 (or 102) to chamber 104. At no time does the piston in Lee simultaneously cover the plurality of holes 34.

Thus, Applicant believes Claim 7, as amended, patentably distinguishes over the art of record. Likewise, Claims 8-11, which ultimately depend from Claim 7, are also believed to patentably distinguish over the art of record. Claims 2 and 3 have been cancelled. Reconsideration of the rejection is respectfully requested.

Claims 4 and 12-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over de Molina, et al. in view of Head or Spyche, Jr. Claim 12 has been amended to define the depth of the groove as decreasing (original Claim 16) and that the sleeve simultaneously covers the hole and the groove to close the third flow path.

Head has helical grooves 10 which are used in conjunction with lugs 17 to change the rotational movement of arm 3 into translational movement of the piston. Thus, decreasing the depth of groove 10 in head would create an inoperable device because the lugs 17 would eventually jam into the bottom of the decreasing depth groove 10.

In Spyche, Jr., grooves 28 are used to move fluid from the working chamber to the accumulator. The control of the damping is accomplished by rotating shock tube 14 to change the number of holes 40 open to groove 28 (Figure 2 vs. Figure 3). Thus, there is no incentive to decrease the depth of groove 28 from one end to the other. In addition, piston 18 does not simultaneously cover all of the holes 40 and never covers groove 28.


Thus, Applicant believes Claim 12, as amended, patentably distinguishes over the art of record. Likewise, Claims 13-15 and 18, which ultimately depend from Claim 12, are also believed to patentably distinguish over the art of record. Claims 4-6, 16 and 17 have been cancelled.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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